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## RCDS 2008 – CONTEMPORARY STRATEGIC ISSUES

Assess The Strategic Significance To The International Community Of The Threat Of Piracy And Its Links To Terrorism In The Strait Of Malacca. Identify The Key Factors For Designing An Outline Strategy For Coordinated International Action To Reduce The Incidence Of Piracy In The Region.

**John Keegan  
Ian Rigden**

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## **RCDS 2008 – CONTEMPORARY STRATEGIC ISSUES**

***Assess the strategic significance to the international community of the threat of piracy and its links to terrorism in the Strait of Malacca. Identify the key factors for designing an outline strategy for coordinated international action to reduce the incidence of piracy in the region.***

### **Key Judgements**

Piracy remains a significant problem worldwide. There are lessons to be learned from the joint approach taken by the Malaysian, Singaporean and Indonesian Governments which can be used as the basis of an international approach to tackling the problem.

Despite recent successes in the Strait of Malacca, there is the strong possibility of a resurgence of the problem in the event of tensions or a difference of opinion between the three main players. How much of this success is due to the aftermath of the 2005 Asian Tsunami which is believed to have destroyed a large number of pirates?

This process is hampered by the lack of a single accepted international legal definition and coherent maritime legislation for piracy. Work is in hand, however, to counter both of these deficiencies and the existing anti-piracy infrastructure in the Far East works around them.

There is no proven link between Piracy and Terrorism, but the possibility exists.

To achieve a similar approach at the international level requires effective coordinated international, regional and local effort, possibly through the UN. Continued regional success must be linked to a common international vision for defeating piracy. An international / regional strategy should be based on five main steps:

A single overarching vision for eradicating piracy.

A coordinated holistic approach worldwide which includes the political, military, social, economic, informational and infrastructure, financial, legal and law enforcement lines of operation.

The development of effective internationally agreed supporting legislation.

The success of an international level effort will only be achieved with effective regional Organisations such as the Trilateral Coordinated Patrol (TCP), ReCAAP and MMEA, linked together into one international framework.<sup>1</sup>

The development of a wider regional security framework/treaty.

### **Discussion**

**A Problem of Geography.** The Strait of Malacca is an area of great geo-strategic importance. The Strait is 900km (550 Miles long) and is bounded by Indonesia (Sumatra), Singapore and Malaysia. It is one of the major sea lanes of the world and the major trading route between India and China. Over 50,000 ships ply their trade through the Strait of Malacca annually accounting for approximately 40% of the World's Trade. It is the most important route for the transit of oil to Asia from the Middle East and will grow in importance in the future as the

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<sup>1</sup> TCP: Joint venture by Malaysia, Singapore and Indonesia. Re CAAP: Singapore-based regional organisation standing for - Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia. MMEA: Malaysian Maritime Enforcement Agency.

demand for oil increases in the region. The physical geography of the area shapes the human geography and consequently the lives of its inhabitants. Rich in fish, it is over-fished by large commercial companies thus taking away the main means of livelihood in the region. Piracy therefore becomes an attractive option for disenfranchised fishermen. To compound the issue, the political instability of Indonesia has given rise to a number of radical and clandestine opposition groups, including terrorists. The large number of Islands within this region make it the ideal location for pirates and terrorists to hide in, particularly on the northern coastline of Sumatra. Collaboration between the two is often suspected but not yet proven.

Historical Background. Piracy has existed in the area for centuries. From the 12<sup>th</sup> to 19<sup>th</sup> Centuries, there was often a political link when pirates were used as an indirect method of furthering the aims of local rulers.<sup>1</sup> Even today, the idea of state-sponsored piracy cannot be ruled out. The Dutch and the British Colonial administrations sought ways to first control and then eradicate piracy. Piracy declined by the late 19<sup>th</sup> Century, but sophisticated naval forces and seamanship were not the only reason for this decline. The concurrent rise of better and fairer legitimate markets for commerce, as well as increased political and military stability, all had a significant effect on the actions of pirates. This lesson is important when developing future strategy.

The Scale of the Problem in the 21<sup>st</sup> Century. Asia was identified as the most 'pirate infested' region in the world between 1992 and 2006.<sup>2</sup> Defining the problem area as Asia broadens the scope, but highlights the difficulty of dealing with one area such as the Strait of Malacca. Although the Strait is at times a haven for pirates, they do not always operate there. Pirates are migratory, and will change target areas when faced with aggressive policing, or when they feel that they have temporarily exhausted their possibilities. They are, however, likely to return at a future date having operated elsewhere. Indonesian waters, with a vast archipelago of islands, is a haven for piracy. In fact, Indonesian ports and territorial waters have been identified as the most pirate-infested in Southeast Asia since the mid-1990s.<sup>3</sup> In 2004, for example, Indonesia accounted for 93 out of 329 attacks recorded worldwide. The Straits of Malacca follow closely after the Indonesian Coast. The number of attacks are, however, now on the wane thanks to recent initiatives but a question remains as to how much of this success is due to the aftermath of the 2005 Asian Tsunami which is believed to have destroyed a large number of pirates.

Types of Piracy. Catherine Zara Raymond<sup>4</sup> has usefully categorised piracy in the region into three distinct groups: small scale criminals, criminal syndicates and terrorist groups. Small scale criminals are largely opportunistic and rob to make a living. Criminal syndicates commit acts of piracy to make themselves rich. Increasingly, this involves kidnapping for ransom.<sup>5</sup> Terrorist groups commit acts of piracy to spread terror, to attain materials and equipment they need to physically prosecute their campaign and to make money to finance the cause. The latter two groups often cooperate together in a marriage of convenience. Interestingly, we found no evidence of a link between Piracy and Terrorism in our visits to Singapore and Malaysia. This is not to say, however, that terrorists are not moved from one area to another passing as illegal immigrants.

#### Factors Contributing to Piracy.

Caroline Liss argues that five factors shape piracy in Southeast Asia: Over-fishing, lax Maritime Regulations, the existence of organised crime syndicates, radical politics involving terrorism and widespread poverty.<sup>6</sup> Any strategy must therefore carefully consider these contributory factors. Of these, it is the lack of coherent internationally agreed Maritime regulations which provides a stumbling block to coordinated action. In particular, the lack of a single accepted international legal definition for piracy is a glaring omission.<sup>2</sup> Different countries have different views (some regard it as a form of armed robbery) and this can lead to legal loopholes when dealing with

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<sup>2</sup> This is the same issue with terrorism where no single internationally accepted definition exists.

pirates. In addition, the UN Convention on The Law of the SEA (UNCLOS) has clearly defined international, territorial and national waters but these have taken away some traditional fishing grounds depriving local fisherman of a livelihood, pushing them towards piracy. It has also created some grey areas or 'gaps' where pirates operate with little coherent opposition. Of the existing definitions, many are ambiguous.

### What is being done?

International. Internationally, the International Maritime Bureau (IMB) has activated a 24-hour piracy reporting centre in Kuala Lumpur, Malaysia. The IMB was founded in 1981 and endorsed by the UN's International Maritime Organization (IMO). Indicating something of the problems to come, the IMO was established in 1948 but only came into full force in 1958. Nevertheless, these two bodies have made some progress. Post 9/11 a number of new regulations have been initiated. In December 2002, the IMO introduced the International Ship and Port Facility Security Code (ISPS Code) which imposes a worldwide a range of new security requirements for vessels and port facilities thus enabling vessels to be tracked and monitored more carefully. This is supported by the 2002 Container Security Initiative (CSI), and the Proliferation Security Initiative (PSI) in May 2003. The UNCLOS now needs to be re-aligned with the new conventions.

Regional. Also in 2004, more comprehensive naval cooperation was introduced between the Singaporean, Malaysian and Indonesian navies in an initiative known as the Trilateral Coordinated Patrol (TCP). Other initiatives by Singapore (ReCAAP) and Malaysia (MMEA), and their cooperation with Indonesia, has reduced the number of attacks down to only 2 attacks in the last quarter of 2008<sup>3</sup>. The concern is that piracy could recur given the right conditions, such as a cessation of cooperation between the three countries in the event of political tensions, or the inability of one of the nations to provide sufficient maritime resources in the future. An example of this would be an escalation of the Spratly Islands dispute which would become the focus for Malaysia.

Designing a Strategy. First, there must be an international vision for the world, not just the region: The eradication of large scale organised piracy within 10 years. Second, the only way to achieve this is through a coordinated holistic approach with greater international cooperation and not just the currently successful regional initiatives. This must address the political, military, economic, social, informational, infrastructure, financial, legal and law enforcement lines of operation to try and resolve some of the key issues of the region. In particular, more effort must be made to provide alternative options in terms of livelihood, for those who are attracted to piracy. Third, progress must be made on finding an internationally acceptable legal definition of piracy. International maritime legislation needs to be more coherent and the UNCLOS re-aligned to meet these challenges. Fourth, the success of an international level effort will only be achieved with effective regional organisations such as the Trilateral Coordinated Patrol (TCP), ReCAAP and MMEA, linked together into one international framework. An essential element of this strategy will be to eliminate/reduce any possible 'gaps'/ungoverned areas between the regional organisations to significantly reduce the number of possible pirate safe havens. Finally, there is the requirement to formalise wider regional cooperation through the development of a wider security treaty incorporating other neighbours. This would provide greater consensus and resources.

### **Conclusion**

The Strait of Malacca is of vital geo-strategic importance to the world. Piracy, and its linkages to terrorism, is a significant threat to world trade and the economic well-being of the countries of the region. The only way to combat it is to develop a holistic strategy based on sound maritime

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<sup>3</sup> Figures from ReCAAP.

legislation, an internationally agreed legal definition of piracy, and the provision of a means of livelihood for the poor and dispossessed in the region with markets that support them.

John Keegan  
Ian Rigden

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<sup>1</sup> Ger Teitler, *Piracy in Southeast Asia - A Historical Comparison*, University of Amsterdam and the Royal Netherlands Naval College, 2007

<sup>2</sup> Data from the International Maritime Bureau's (IMB) Piracy Reporting Centre, quoted in article by Carolin Liss, *The Roots of Piracy in Southeast Asia*, Austral Policy Forum 07-18A, 22 October 2007.

<sup>3</sup> Carolin Liss, *The Roots of Piracy in Southeast Asia*, Austral Policy Forum 07-18A, 22 October 2007.

<sup>4</sup> Catherine Zara Raymond, *Piracy in South-East Asia: New Trends, Issues and Responses*, Institute of Defence and Strategic Studies, Singapore, October 2005.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.